

ESTTA Tracking number: **ESTTA276182**Filing date: **04/04/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	PERF GO GREEN, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	12 East 52 Street New York, NY 10022 UNITED STATES		

Attorney information	David L. Davis David L. Davis, Esq. 90 Washington Valley Road Bedminster, NJ 07921 UNITED STATES david@davispatent.com Phone:908-719-8961
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Registrations Subject to Cancellation

Registration No	2492040	Registration date	09/25/2001
Registrant	Reichert, Lance Wayne 7902 Lecompte Road Austin, TX 78717 UNITED STATES		

Goods/Services Subject to Cancellation

Class 037. First Use: 1998/12/00 First Use In Commerce: 1999/04/08
All goods and services in the class are cancelled, namely: pet services, namely, retrieval and removal of animal waste

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>		808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)	
Registration No	2469171	Registration date	07/17/2001
Registrant	Reichert, Lance Wayne 7902 Lecompte Road Austin, TX 78717 UNITED STATES		

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Attachments	DogDutyCancellation.pdf (1 page)(25415 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/davidldavis/
Name	David L. Davis
Date	04/04/2009

1. The petitioner is the owner of Trademark Application Serial No. 77/590,913 for DOGGIE DUTY. Registration has been refused because of likelihood of confusion with the marks in Registration Nos. 2,469,171 and 2,492,040. Cancellation of these registrations will overcome this ground for refusal of the petitioner's application. The petitioner therefore has standing to petition for cancellation of these registrations.

2. Upon information and belief, based upon a telephone conversation on April 3, 2009, with the owner of the subject registrations, there has never been use in interstate commerce of the marks covered by the subject registrations. The owner of the registrations runs a pet waste removal service in the Austin, Texas, area and does not provide any services in any other area. This was true at the time of filing the applications which resulted in the subject registrations. Accordingly, the registrations were fraudulently obtained and should therefore be cancelled.
